



W.P(MD)No.3769 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.3769 of 2023

S.V.M.Rathinakumar

... Petitioner

Vs.

1.The Registrar of Societies,
The District Registrar,
O/o. District Registrar,
Katcherry Road,
Virudhunagar District.

2.The Sub Registrar Joint – II,
O/o. Sub Registrar Joint – II,
Katcherry Road,
Virudhunagar District.

3.Suresh Albert Singh

4.Sakthivel

5.Kannan

6.Mahalakshmi

7.Subramanian

8.Subbaraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to make the entry as per the judgement and decree in O.S.No.177 of 2011, dated 05.12.2017 passed by the District Munsif Court, Virudhunagar.



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For Petitioner : Mr.M.Digvijayapandian

For Respondents : Mr.C.Satheesh,
Government Advocate for R1 & R2.
Mr.Ashok Kumar for R3 to R6 & R8.

ORDER

This writ petition is filed for issuing a Writ of Mandamus, directing the respondents 1 and 2 to make the entry as per the judgement and decree in O.S.No. 177 of 2011, dated 05.12.2017 passed by the District Munsif Court, Virudhunagar.

2.The case of the petitioner is that the petitioner is the President of Virudhunagar Thevar Mahajana Sangam. It is registered under the provisions of the Tamil Nadu Societies Registration Act. As per resolution dated 02.05.2010, the petitioner was authorised to deal regarding documents of conveyance with regard to the Sangam. According to him, the Sangam purchased a property vide registered sale deed dated 15.02.1973 registered on the file of Sub Registrar Joint – II, Katcherry Road, Virudhunagar District from one Pandiyaraja Nadar who in turn purchased the same on 27.03.1969. The Sangam filed O.S.No.177 of 2011 before the learned District Munsif Court, Virudhunagar to declare the sale deed dated 07.11.2008 as null and void. The said sale deed dated 07.11.2008 was executed by the defendants



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1 to 13 in favour of the 3rd respondent herein. The said suit was decreed in favour of the petitioner's Sangam vide judgment and decree dated 05.12.2017. Since the said the said judgment and decree has not been entered in the encumbrance register, the present writ petition has been filed.

3.The learned Government Advocate appearing for the respondents 1 and 2 would submit that the judgment and decree is not acceptable because the petitioner has not stated any document number and the date alone has been mentioned as 07.11.2008. The encumbrance register produced by the second respondent talks about only the Document No.7670/2008, dated 12.12.2008 entered into between R.Jeyaseeli and V.Ravi pertaining to the year 2008. Therefore, the revenue authorities are not in a position to make any entry as prayed for the petitioner. He pressed for dismissal of the writ petition.

() "4. The learned counsel for the petitioner submitted that in Paragraph No.3 of the order, dated 18.01.2024, the learned Government Advocate appearing for the respondents 1 & 2 would submit that the Encumbrance Register produced by the second respondent talks about only the Document No.7670/2008, dated 12.12.2008 entered into between*



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R.Jeyaseeli and V.Ravi pertaining to the year 2008. Therefore, the Registration Authorities are not in a position to make any entry as prayed for by the petitioner. He further submitted that in the encumbrance certificate that document was found and he produced the same and seeks for a direction to direct the respondents 1 & 2 to register the said document.

5. It is seen from the records that at the time of passing the order, there was no entry in the encumbrance certificate regarding the sale deed dated 07.11.2008, now in the fresh encumbrance certificate it is seen that the said document is found. Therefore, the respondents 1 & 2 are directed to register the said judgment and decree passed in O.S.No.177 of 2011, dated 05.12.2017 by the learned District Munsif Court, Virudhunagar, within a period of four weeks from the date of receipt of copy of this order.

The Writ Petition stands disposed of. No costs.



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Sd/-

Assistant Registrar(CS I)

(*)Amended as per the order of this Court dated.25.04.2024 in WP(MD) NO.3769 of 2023

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/06/2024

**Sub Assistant Registrar
(CS - I / II / III/ IV)**

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To:-

(*) To be Substituted to the order which is already despatched on 18/03/2024

1.The Registrar of Societies,
The District Registrar,
O/o. District Registrar,
Katcherry Road, Virudhunagar District.

2.The Sub Registrar Joint – II,
O/o. Sub Registrar Joint – II,
Katcherry Road,
Virudhunagar District.

+1 CC to M/s.S.V.NAGARAJAN, Advocate (SR No.23149)

+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-1736[F] dated 19/01/2024)

+1 CC to M/s.S.V.NAGARAJAN, Advocate (SR-8422[F] dated 29/02/2024)

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DL/(02.02.2024)/ 5P/5 C

SSA/18.03.2024/ 5P/ 6C

MGJ/29/05/2024 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.